

**Questions and Answers
RFP 600-08-601**

**Technical Analysis for Alternative & Renewable
Fuel & Vehicle Technology Program**

**Pre-Bid Conference
March 18, 2009**

Q1. Would you please elaborate on the “Sustainability” task [Task 5]?

A1. The Energy Commission would like the selected Contractor to examine the 3rd-party certification programs for sustainability which are listed in the regulations for the Alternative and Renewable Fuels and Vehicle Technology Program (adopted by the Energy Commission on February 25, 2009). Since the Energy Commission is going to use sustainability certification programs as one of the criteria for awarding AB 118 Program funding, we are seeking assistance in helping us understand the strengths and weaknesses of these certification programs. They are all different and are developed with differing objectives.

Q2. With regard to the sustainability task [Task 5], did you evaluate other international rating systems, and get to the point where you were looking at some of the individual ratings, say for example palm oil?

A2. The Energy Commission is aware of the sustainability certification programs listed in the proposed regulations, and have various levels of knowledge and understanding of their content and applicability. Most are still in the development stage, like the Roundtable on Sustainable Biofuels. Energy Commission staff has read the Roundtable on Sustainable Palm Oil certification closely. It looks good on paper, but there are many questions about how it is implemented in the field. At present, Energy Commission staff has no way of comparing these standards or evaluating them.

Q3. What are the drivers, or constraints, for the two-year contract timeline? Is it feasible to propose that Tasks 2-4 be completed in a shorter period of time?

A3. This contract addresses initial program needs, which are summarized in the Energy Commission staff draft Investment Plan that covers the first two funding cycles of the Alternative and Renewable Fuel and Vehicle Technology Program. The statutes call for the Energy Commission to review and update the Investment Plan on an annual basis. Future technical support contracts will be based on the needs identified in updated Investment Plans. Proposals can include shorter periods for completion of Tasks 2-4.

Q4. Would you please explain Evaluation Criteria #26 with regard to full-fuel-cycle analysis?

A4. The Energy Commission is interested in bidders having a good understanding of how full-fuel-cycle methodology of analysis is applied. Full-fuel cycle analysis is an integral part of sustainability assessments.

Q5. Assuming a successful outcome of this project, what will the results be used for? Do you have specific objectives?

A5. This contract will result in baseline assessments of alternative and renewable fuels infrastructure, investments, markets, and sustainability programs. In doing so, the Energy Commission can determine the needs in these areas going forward to promote the best and most efficient use of program funds to fully implement the use of alternative and renewable fuels for California. This information will also be used for program planning to update future annual Investment Plans, as required by statute.

Q6. Would you please elaborate on the Conflict of Interest section in this RFP? Are Contractors who are awarded this consulting service contract disqualified from receiving any transportation related Alternative and Renewable Fuel and Vehicle Technology Program (AB118) funding? Can you give examples of when the Contractor would be eligible to receive AB118 funding and when they would be disqualified?

A6. The successful Contractor awarded this consulting services contract will not necessarily be disqualified from receiving funding under this program. Eligibility will depend on the Contractor's work under the contract and the project proposed for funding. One statutory prohibition to be aware of is Section 10365.5 of the Public Contracts Code, which provides that, subject to certain exceptions, "no Person, firm or subsidiary thereof who has been awarded a consulting services contract may submit a bid for, nor be awarded a contract for, the provision of services, procurement of goods or supplies, or their related action which is required, suggested, or otherwise deemed appropriate in the end product of the consulting services Contract."

Depending on the needs of the Energy Commission, the end-product of this consulting services contract may suggest that the Energy Commission take specific further action related to the Alternative Fuel and Vehicle Technologies Program.

For example, the report developed pursuant to Task 3 (Evaluate Alternative and Renewable Fuel Investments) might conclude that there is an opportunity to achieve the goals of the program through the pursuit of projects related to the development of a particular type of biofuel. The report might recommend that the Energy Commission further investigate this opportunity and consider giving preference to projects related to this biofuel. In this instance, the Contractor, a subcontractor, and any individual responsible for developing this aspect of the report would likely be prohibited by Section 10365.5 from either (1) bidding on a technical service contract to investigate this biofuel, or (2) submitting projects related to this biofuel.

In contrast, Section 10365.5 would not prohibit the Contractor, a subcontractor, or a person working on this contract from submitting project proposals unrelated to or outside the scope of their work under this or any other consulting services contract.

It is also possible that Contractor, a subcontractor, or an individual working on this contract might be prohibited from submitting proposals for funding related to a task on which they are currently working under this Contract, even if recommendations have not been made. One or more individuals performing work under this contract might also be determined to be a "consultant" as that term is defined in the Political Reform Act (Government Code Section 87100 et seq.), in which case such individuals would be subject to additional requirements and restrictions. This is explained in the Conflict of Interest section of the Standard Agreement Example, attached to the RFP on page 19 of attachment 6.

Q7. Is the date presented in the RFP schedule for DVBE [April 9, 2009] the date we need to have a DVBE under contract?

A7. April 9, 2009 is the deadline to advertise for DVBE participation. A DVBE Resource packet with detailed compliance information and instructions is available on the Department of General Services website at <http://www.pd.dgs.ca.gov/Publications/resource.htm>. An "agreement" between the Contractor and the DVBE(s) must be submitted to the Energy Commission prior to contract award.

Q8. The RFP states that the attached standard agreements are a "sample"- are terms and conditions negotiable? Which ones, and at what point would such negotiations take place?

A8. Contract Terms and Conditions are not negotiable and there are no exceptions.

Q9. Do you want the budget broken down into the first year and second year?

A9. The breakdown of the Energy Commission's fiscal year funding does not correspond with a first year versus second year of the project.

The information on Attachments A-3, A-4 and A-5 should be completed to correspond with your Company's fiscal year start and end dates. The cost proposals should reflect any proposed increase in your labor rates during the period of performance, and should reflect completion of all tasks within the \$750K budget.

The contract will be awarded to the bidder who meets all of the administrative and technical requirements and who has the lowest cost.

Q10. Can the Energy Commission elaborate on the nature of the fees and billing for this project? Is it fixed fee, by task; or an hourly billing up to a fee cap (i.e., not-to-exceed)? If it is fixed fee, is all of the hourly rate buildup necessary?

A10. This is an hourly rate plus cost reimbursement with a ceiling on the total contract amount.

Q11. Should our cost proposal be at the task level (Tasks 1 through 5), or do you want a more detailed breakdown of labor hours and cost at the subtask level? For example, do you want the costs for the individual reports under Task 2?

A11. A breakdown of labor hours per task (not cost per task, see Attachment A-2) is needed as well as a breakdown of loaded versus unloaded hourly rates (see Attachments A-4 and A-5), and then the Contractor fees for overhead, fringe, etc. (see Attachment A-3).

Q12. Will the proposed costs by task be fixed, or will you allow redirection of costs (resource hours) among tasks within the cap for the entire contract?

A12. This is an hourly-rate contract not a task or fixed fee contract. See the attached Addendum #1 for budget reallocation Terms and Conditions.

Q13. Is there a fixed travel budget?

A13. There is not a fixed travel budget. However, the successful Contractor will be reimbursed according to State travel and per diem rates. Bidders should propose the travel costs they believe will be required to deliver the Scope of Work.

Q14. Can you comment on the probability of funding the entire \$750K for this project? If 2nd-year funds are not available, what might be the content of the renegotiated Scope of Work?

A14. The Energy Commission is not able to guarantee that this project will be funded for the entire \$750K. As stated in the RFP, funding for the first \$200K is immediately available from fiscal year (FY) 08/09 funds, and the remaining \$550K is dependent on the Governor's approval of the Energy Commission budget for FY 09/10. If the FY 09/10 funds are not approved the Commission Contract Manager and the selected Contractor will meet and reach agreement on a reduced scope of work commensurate with the level of available funding. This situation rarely happens, but the Energy Commission has the obligation to notify all potential bidders of future funding.

Bear in mind that if the Energy Commission receives a qualifying bid for less than \$750K, the final contract will be for that amount.